

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
FLORENCE DIVISION**

Kimberly B. Winburn,	)	Case No. 4:11-CV-03527-RBH
	)	
Plaintiff,	)	
	)	
vs.	)	<b>CONSENT ORDER</b>
	)	
Progress Energy Carolinas, Inc. and The	)	
Prudential Insurance Company of America,	)	
	)	
Defendants.	)	
_____	)	

On July 25, 2013, this Court entered an Order permitting the parties to engage in limited discovery followed by a remand to consider Plaintiff's claim in light of new evidence. The parties advise the Court that this discovery is now complete. Now, therefore, it is ORDERED that:

1. This action is now remanded to the claims administrator, the Prudential Insurance Company of America ("Prudential"), to consider Plaintiff's claim in light of the new evidence, including: (1) Plaintiff's affidavit signed October 3, 2012 and the documents referred to therein; (2) the transcript and exhibits from Plaintiff's deposition taken on September 12, 2013; (3) Progress Energy's responses to Plaintiff's Requests to Admit and the documents referred to therein; (4) Prudential's responses to Plaintiff's Requests to Admit and the documents referred to therein; and (5) the existing administrative record and plan documents, including the Progress Energy plan documents produced during litigation.
2. Prudential shall complete its review on remand by December 31, 2013.

3. This action is hereby stayed until the Parties notify this Court of Prudential's decision on remand or December 31, 2013, whichever occurs first.
4. Within ten (10) days after Plaintiff has received Prudential's decision on remand, Plaintiff shall notify this Court of the decision. If Plaintiff's claim is approved and there are no ripe issues for decision by the Court, then this case shall be dismissed as moot. Otherwise, the Court will enter a schedule for briefing dispositive motions and/or schedule a status conference.

IT IS SO ORDERED.

This 30th day of October, 2013

s/R. Bryan Harwell  
R. Bryan Harwell  
United States District Judge

CONSENTED TO BY:

/s/Martin S. Driggers  
Martin S. Driggers, Sr., Esq.#607  
Driggers & Moyd  
Post Office Box 1439  
Hartsville, SC 29551

**ATTORNEY FOR PLAINTIFF**

/s/Douglas W. MacKelcan  
David W. Overstreet, Esq., #7363  
Douglas MacKelcan, Esq., #10058  
Carlock, Copeland & Stair, LLP  
40 Calhoun Street, Suite 400  
Charleston, SC 29401

Patrick DiCarlo, Esq., *admitted pro hac vice*  
Beth Vaughan, Esq., *admitted pro hac vice*  
Alston and Bird  
1201 W Peachtree Street  
Atlanta, GA 30309-3424

**ATTORNEY FOR DEFENDANT  
PRUDENTIAL**

/s/John M. Milling  
John M. Milling, Esq. #4950  
Milling Law Office, LLC  
Post Office Drawer 519  
Darlington, SC 29540

Joshua Wallace Dixon, Esq., #10036  
K&L Gates  
134 Meeting Street, Suite 200

Charleston, SC 29401

**ATTORNEY FOR DEFENDANT  
PROGRESS ENERGY**